

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 OMB-01
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FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 7124
USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA

C O N F I D E N T I A L CAPE TOWN 773

E.O. 11652: GDS
TAGS: PORG, PDEV, WA
SUBJECT: NAMIBIA: FINAL WITHDRAWAL OF TROOPS

AT THE INVITATION OF BRITISH AMBASSADOR SIR DAVID SCOTT,
THE CAPE TOWN FIVE MET APRIL 18 TO CONSIDER A QUESTION WHICH
HAD ARISEN IN DISCUSSION BETWEEN SCOTT AND JOHN GRAHAM LAST
SUNDAY (APRIL 16) IN PRETORIA ON SA TROOP WITHDRAWAL FROM
NAMIBIA: HOW MIGHT THE PROCESS OF CERTIFYING THE CONSTITUENT
ASSEMBLY ELECTIONS, TO WHICH WITHDRAWAL IS TIED, AFFECT THE FORCE
OF A CONSTITUENT ASSEMBLY RESOLUTION ON WITHDRAWAL. FOLLOWING
IS THE GROUP'S AGREED COMMENT:

BEGIN TEXT:
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1. THE PROPOSALS OF THE FIVE INVOLVE THE FINAL WITHDRAWAL OF
THE 1500 SOUTH AFRICAN TROOPS NOT MORE THAN ONE WEEK AFTER
CERTIFICATION OF THE ELECTION RESULT. THE CONSTITUTIONAL POSITION
OF NAMIBIA WILL NOT BY THEN HAVE BEEN CHANGED; ELECTIONS FOR THE
CONSTITUENT ASSEMBLY WILL HAVE BEEN CARRIED OUT UNDER THE SPECIAL
LAWS DRAWN UP FOR THAT PURPOSE AND THE ASSEMBLY WILL NOT
AT THAT STAGE HAVE ANY LEGISLATIVE OR EXECUTIVE POWER OF ITS

OWN. ON THE OTHER HAND, THE CONSTITUENT ASSEMBLY WILL REPRESENT THE PEOPLE OF THE COUNTRY AND A RESOLUTION PASSED BY IT WOULD HAVE TO BE CONSIDERED BY THE RESPONSIBLE AUTHORITIES, NAMELY THE ADMINISTRATOR-GENERAL AND THE SPECIAL REPRESENTATIVE.

2. AN IMPORTANT ASPECT OF THIS IS THE INTERPRETATION OF THE TERM "CERTIFICATION OF ELECTIONS." IT CAN BE ASSUMED THAT THE UN WILL APPOINT OBSERVERS TO EACH CENTER WHERE VOTES ARE TO BE COUNTED. THESE OBSERVERS WILL HAVE TO CONFIRM THAT THE VOTING HAD BEEN PROPERLY CONDUCTED AND WILL PRESUMABLY HAVE TO RENDER A CERTIFICATE TO THIS EFFECT TO THE SPECIAL REPRESENTATIVE. THE SPECIAL REPRESENTATIVE IN TURN WILL HAVE TO SATISFY HIMSELF THAT THE ELECTIONS THROUGHOUT THE TERRITORY HAD BEEN FREELY AND FAIRLY CARRIED OUT. SOME ELECTORAL RESULTS WILL PROBABLY BE OBJECTED TO, AND THIS COULD EXTEND THE PERIOD REQUIRED FOR FINAL CERTIFICATION BY A WEEK OR PERHAPS CONSIDERABLY LONGER. THE SPECIAL REPRESENTATIVE MIGHT THEN IN TURN FEEL IT NECESSARY TO REPORT TO THE UN SECRETARY-GENERAL THAT THE ELECTION HAD BEEN FREE AND FAIR.

3. THIS SUGGESTS THAT A RESOLUTION ADOPTED BY THE CONSTITUENT ASSEMBLY COULD BE REGARDED AS HAVING SOME INTERNATIONAL WEIGHT EVEN BEFORE A NEW GOVERNMENT OF NAMIBIA WAS INSTALLED.
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4. THE CAPE TOWN CONTACT GROUP INVITE THE NEW YORK CONTACT GROUP TO CONSIDER WHETHER THE CERTIFICATION PROCEDURE OUTLINED ABOVE CONFORMS WITH THEIR UNDERSTANDING OF CURRENT UN PRACTICE AND WHETHER AN EXPLANATION ON THESE LINES COULD BE GIVEN TO THE PARTIES. IT IS PERHAPS ALSO WORTH CONSIDERING WHETHER A RESOLUTION BY THE CONSTITUENT ASSEMBLY ON WALVIS BAY COULD BE TREATED IN THE SAME WAY. END TEXT.

5. EMBASSY COMMENT: WE PASS THIS ON FOR CONSIDERATION, THOUGH WE HAVE SOME RESERVATIONS ABOUT WHETHER IT WOULD BE HELPFUL TO EXPLAIN THE ELECTION CERTIFICATION PROCEDURES AS PROPOSED. EMBASSY WILL PROVIDE FURTHER COMMENTARY ON THE WITHDRAWAL QUESTION SEPTTEL.
NELSON

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